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# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: September 28, 2021**

**Please Note: This Bulletin is posted to the City of Hilliard website and at the Hilliard branch of the Columbus Metropolitan Library.**

Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. This Legislative Bulletin contains ordinances and resolutions considered by Council. If noted in ordinance text, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, at 614.876.7361, Ext. 789. Past issues are available at [hilliardohio.gov](http://hilliardohio.gov)

## ORDINANCES

**The following Ordinance was passed on September 27, 2021**

### **21-27 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

**WHEREAS**, this Council in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2022; and

**WHEREAS**, the Budget Commission of Franklin County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten-mill tax limitation; and

**WHEREAS**, the certified rates were issued by the Budget Commission on August 31, 2021, and the City is required to accept the amounts and rates and certify them to the County Auditor no later than October 1, 2021; and

**WHEREAS**, ordinances authorizing annual tax levies shall take effect upon passage and shall not be subject to referendum pursuant to Section 3.07 of the Charter of the City.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** The amounts and rates, as determined by the Budget Commission in its certification, are hereby accepted.

**SECTION 2.** There shall be, and hereby is, levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation for tax year 2021 (collection year 2022) as follows:

Fund	Amount to be derived from Levied Outside 10 Mill Limitation	Amount to be derived from Levied Inside 10 Mill Limitation	County Auditor's Estimate of Full Tax Rate to be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund		\$ 2,097,529.17		1.60
General Fund Charter				
Bond Retirement				
Bond Retirement Charter				
Police Pension				
Fire Pension				
Fire Operating				
Police/Fire Pension				
Capital Operating				
Road & Sidewalk Fund				
Total		\$2,097,529.17		1.60

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## 21-27 continued:

**SECTION 3.** The Clerk of Hilliard City Council is hereby directed to certify a copy of this Ordinance to the County Auditor of Franklin County.

**SECTION 4.** This Ordinance shall take effect upon passage and shall not be subject to referendum pursuant to Section 3.07 of the Charter of the City of Hilliard.

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**The First Reading of the following Ordinances were held on September 27, 2021.  
The Second Reading/Public Hearing is scheduled for October 11, 2021.**

## **21-28 REPEALING AND REPLACING PART THIRTEEN OF THE CITY'S CODIFIED ORDINANCES – THE "BUILDING CODE" TO SIMPLIFY BUILDING CODE REQUIREMENTS AND TO BE ALIGNED WITH THE CITY'S FORM OF GOVERNMENT AND ORGANIZATIONAL STRUCTURE.**

**WHEREAS**, pursuant to Charter Section 3.09, the City may adopt standard ordinances in codes on such matters as building construction, plumbing, heating and other similar topics; and

**WHEREAS**, Part XIII of the City's Codified Ordinances addresses the Building Code for the City; and

**WHEREAS**, after a review by the City, it was determined that adopting the Ohio Building Code, the Residential Code of Ohio and the Ohio Mechanical Code by reference was in the best interest of the City; and

**WHEREAS**, additionally, the review determined that the City needed to re-adopt and the current version of the International Property Maintenance Code; and

**WHEREAS**, staff finds that repealing the Part XIII and replacing it with new Part XIII regarding Building and Land Usage will provide clarity the City's residents and ensure that a single and concise set of standards are enforced.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Part XIII of the Codified Ordinances of the City is repealed and replaced as shown on Exhibit "A", **attached** hereto and incorporated herein.

**SECTION 2.** City Council finds that repealing and replacing Part XIII of the City's Codified Ordinances is in the City's best interest. Chapter 161 of the Codified Ordinances of the City is enacted as rewritten herein in the attached Exhibit "A" and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

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## **21-29 AMENDING CHAPTERS 921 AND 1125 OF THE CITY'S CODIFIED ORDINANCES REGARDING TREE REGULATIONS.**

**WHEREAS**, following a review by the City, it has been determined that amendments are necessary to remove duplicate language found in Chapters 921 and 1125; and

**WHEREAS**, additionally, amendments are necessary to address the removal of privately owned trees that is deemed dangerous or injurious to public utilities; and

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## 21-29 continued:

**WHEREAS**, as shown on Exhibits “A” and “B”, attached hereto and incorporated herein, the amendments are in the best interest of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** City Council finds that amending Chapters 921 and 1125, as identified in Exhibits “A” and “B”, **attached** hereto and incorporated herein, is in the City’s best interest. The changes and additions to the Chapters 921 and 1125, as shown and identified in track changes on the attached Exhibits “A” and “B”, are approved.

**SECTION 2.** All other provisions of Chapters 921 and 1125, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

## RESOLUTIONS

**The following Resolutions were passed by Hilliard City Council on September 27, 2021.**

### **21-R-55 AUTHORIZING THE CITY MANAGER TO SIGN PRELIMINARY PARTICIPATORY LEGISLATION FOR THE CONSTRUCTION OF FRA-270-12.50 AT CEMETERY ROAD (ODOT PID NUMBER 113655)**

**WHEREAS**, the Ohio Department of Transportation (ODOT) has identified the need for the following described project:

This project proposes to lengthen and improve the offset of the eastbound left-turn lane on Cemetery Road at the I-270 northbound ramp, install quick curb or permanent median modifications, and rebuild the traffic signal with backplates and supplemental signal heads within the City limits, as part of the project PID 113655, FRA-270-12.50 at Cemetery Rd (hereinafter, the “Project”); and

**WHEREAS**, the Project is identified as CIP T-153 Cemetery Road/I-270 NB Ramp Intersection & Signal Improvement in the 2021-2025 City of Hilliard Capital Improvement Program adopted by Hilliard City Council by Resolution No. 20-R-93 on November 23, 2020; and

**WHEREAS**, ODOT obtained a federal safety fund grant through the Highway Safety Improvement Program (HSIP) and agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this project; and

**WHEREAS**, on April 12, 2021, Hilliard City Council passed Resolution No. 21-R-25, which authorized the City Manager to give consent to ODOT to complete the Project and the City agreed to assume and bear the cost of features requested by the City which are not necessary for the improvement as determined by the State and the Federal Highway Administration; and

**WHEREAS**, the City desires to utilize the following features or equipment within the City of Hilliard but have been determined by ODOT to be unnecessary: upgrade vehicle detection, sign hanger assembly, uninterruptable power supply, Fiber Optic Ethernet Transceiver, and Emergency Vehicle Preemption; and

**WHEREAS**, ODOT requires that Preliminary Participatory Legislation as shown in Exhibit A be executed by the City of Hilliard before the Project can be advertised for sale.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio, that:

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## 21-R-55 continued:

**SECTION 1.** Being in the public interest, the City of Hilliard gives consent to the Director of Transportation of the Ohio Department of Transportation (ODOT) to complete the Project.

**SECTION 2.** The City of Hilliard shall cooperate with the Director of Transportation in the above-described project as follows:

The City of Hilliard agrees to pay One Hundred Percent (100%) of the differential cost of construction for the video detection, sign hanger assembly, uninterruptable power supply, Fiber Optic Ethernet Transceiver, and Emergency Vehicle Preemption items.

The City of Hilliard further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The City of Hilliard further agrees that change orders and extra work contracts required to fulfill the construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the City of Hilliard. The City of Hilliard shall contribute its share of the cost of these items in accordance with other sections herein.

**SECTION 3.** Upon completion of the described Project, and unless otherwise agreed, the City of Hilliard shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**SECTION 4.** The City Manager is authorized to sign the Preliminary Participatory Legislation shown in Exhibit A, **attached** hereto and incorporated herein.

**SECTION 5.** This Resolution is effective upon its adoption.

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## 21-R-56     **AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR CIP S-28, UPPER SCIOTO WEST SANITARY SEWER SUB-TRUNK PROJECT; AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS**, the City of Hilliard is dependent on sanitary sewer capacity for its economic development and growth; and

**WHEREAS**, the City of Hilliard has made certain contractual obligations to Amazon Web Services as part of the sale of the Grener Property to facilitate its development as a data center; and

**WHEREAS**, the City of Hilliard, through flow monitoring has identified additional sewer capacity needed in the Tarlton Meadows and Tarlton Meadows West subdivisions; and

**WHEREAS**, the City has included the Upper Scioto West Sanitary Sewer Sub-Trunk (the "Project") as CIP S-28 in its 2021 Capital Improvement Budget; and

**WHEREAS**, the City has approved engineering plans for the Project which includes construction of a new sanitary sewer lift station in the Carr Farms subdivision, a sewer force main that will extend to Avery Road, and a gravity sewer line that will extend to Cosgray Road; and

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## 21-R-56 continued:

**WHEREAS**, the City Engineer's estimated cost for the Project is Three Million, Five Hundred and Seventy-One Thousand and Twenty Dollars (\$3,571,020); and

**WHEREAS**, after having duly advertised for bids for three consecutive weeks, bids for the Project were opened electronically on Bid Express at 2:00 p.m. on September 17, 2021, and Nickolas Savko & Sons ("Contractor") who submitted a bid in the amount of \$3,910,994.80 was determined to be the lowest and best bidder; and

**WHEREAS**, funds for the Project were appropriated in the 2021 Capital Improvement Budget by Ordinance No. 20-27, approved by Hilliard City Council on November 23, 2020, and pursuant to Section 3.10 of the City's Charter, authorization to fund the Project may be established by resolution of Council; and

**WHEREAS**, Ohio Revised Code ("R.C.") Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and the remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

**WHEREAS**, as required by R.C. Section 5705.44, the City will request that Council appropriate additional funds for the Project in the City's 2022 Capital Improvement Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** An expenditure is authorized from Fund 304 Object 55 to pay the cost of the Project in an amount not to exceed \$5,600,000

**SECTION 2.** The City Manager is authorized to enter into a contract with Nickolas M. Savko & Sons for CIP S-28, Upper Scioto West Sanitary Sewer Sub-Trunk, in an amount not to exceed \$4,302,994, which includes a contingency of 10% of the bid amount to pay for any cost overruns associated with the Project.

**SECTION 3.** The City Manager is authorized to enter into a professional services contract in an amount not to exceed \$392,000 to provide required construction administration and oversight services for the Project.

**SECTION 4.** Following the appropriation of the balance of funds for the Project in the City's 2021 Capital Improvement Budget, an expenditure is authorized in 2022 from the unencumbered balance of Fund 304, Object 55 in the amount of \$1,500,000.

**SECTION 5.** The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

**SECTION 6.** This Resolution is effective upon its adoption.

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## 21-R-57     **AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MS CONSULTANTS, INC., FOR THE DESIGN OF THE COSGRAY ROAD EXTENSION (CIP T-86)**

**WHEREAS**, the City has identified the need for the extension of Cosgray Road south of Scioto Darby Road in its 2001 and 2011 Thoroughfare Plans; and

**WHEREAS**, the Project is identified as CIP T-86 Cosgray Road Extension in the City's Capital Improvement Plan; and

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## 21-R-57 continued:

**WHEREAS**, the Cosgray Road Extension consists of improvement of the Scioto Darby Road intersection and traffic signal, extension of approximately 4,500 feet of arterial street, through the property commonly referred to as the Jerman Property and a connection of the new street with Alton & Darby Creek Road north of Heritage Lakes Drive, including two roundabouts,

street lighting, fiber conduit, shared-use paths, pedestrian crossings, medians, landscaping, and stormwater best management practices in accordance with the Ohio EPA's Big Darby Creek Watershed permit requirements (the "Project"); and

**WHEREAS**, the City has determined that ms consultants, inc. (the "Firm") is the most qualified firm to design the Project based on technical expertise, related experience of the Project Team, and past performance; and

**WHEREAS**, the estimated cost to provide engineering services by the Firm for design, bidding, and construction is \$1,500,000; and

**WHEREAS**, on September 13, 2021, Hilliard City Council passed Ordinance No. 21-26, which appropriated funds in the amount of \$500,000 and authorized the expenditure of those funds to begin design of the Project; and

**WHEREAS**, continuation of the Project is subject to appropriation of funds by Hilliard City Council as part of the 2022 and 2023 Capital Improvements Budgets.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** The City Manager is hereby authorized to enter into a professional services agreement ("Agreement") with ms consultants, inc. in substantially the same form as the one **attached** hereto as Exhibit "A" and incorporated herein, for the design of the Cosgray Road Extension (CIP T-86). The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

**SECTION 2.** The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds provided herein.

**SECTION 3.** This Resolution is effective upon its adoption.

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## 21-R-58 **AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH THE ALTMAN COMPANY (A/K/A ALTMAN GENERAL CONTRACTORS) FOR CIP LB-9, FATHER RODERIC J. DIPIETRO PARK PROJECT AND AUTHORIZING AN EXPENDITURE.**

**WHEREAS**, the City desires to make upgrades to the Father Roderic J. DiPietro Park, including updating the diamonds, installing a bathroom facility, and making diamond one more accessible (the "Project"); and

**WHEREAS**, following the development of plans, the Engineer's Estimate for the Bid was \$765,0000; and

**WHEREAS**, after having been duly advertised for two consecutive weeks as required by law, bids for the Project were opened electronically on Bid Express, and The Altman Company (a/k/a Altman General Contractors), which submitted a bid in the amount of \$766,000, was determined to be the lowest and best bidder; and

**WHEREAS**, Ohio Revised Code ("R.C.") Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and the remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

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## 21-R-58 continued:

**WHEREAS**, funds for the Project were appropriated in the 2021 Capital Improvement Budget, and pursuant to Section 3.10 of the Charter, authorization for fund this Project may be established by resolution of Council; and

**WHEREAS**, as required by R.C. Section 5705.44, the City will request that Council appropriate additional funds for the Project in the City's 2022 Capital Improvement Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** An expenditure in the amount of \$689,600 is authorized from the unencumbered balance of Fund 304, Object 55 to initiate the construction of the Project and to pay for any costs associated with inspections and administration of the Project.

**SECTION 2.** Following the appropriation of the balance of funds for the Project in the City's 2022 Capital Improvement Budget, an expenditure is authorized in 2022 from the unencumbered balance of Fund 304, Object 55 in the amount of \$225,000 to complete the Project.

**SECTION 3.** The City Manager is authorized to enter into a contract with The Altman Company (a/k/a Altman General Contractors) for CIP LB-9, Father Roderic J. DiPietro Park in the amount of (\$842,600), which includes a ten percent contingency to pay for approved change orders.

**SECTION 4.** The Finance Director is authorized to make any accounting changes as necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

**SECTION 5.** This Resolution is effective upon its adoption.

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